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Summary record of the 3237th meeting

Held at the Palais Wilson, Geneva, on Wednesday 9 March, 2016, at 10 a.m.

Chair: Mr. Salvioli

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The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

*Second periodic report of Namibia (continued) (CCPR/C/NAM/2;
CCPR/C/NAM/Q/2 and Add.1)*

1. *At the invitation of the Chair, the delegation of Namibia took places at the Committee table.*

2. **Mr. Kawana** (Namibia) said that, with regard to the discovery in 2003 and 2009 of what were said to be mass graves in the area that had been called the Caprivi Strip in colonial times and was now called the Zambezi Region, he could categorically deny that such graves were the responsibility of the South West Africa People's Organization (SWAPO). Similar allegations had been made some decades earlier concerning graves in Kavango, but the sole aim of those claims was to tarnish the good name of Namibia. The country's territorial integrity was not negotiable. Its boundaries had been defined by the League of Nations in the 1920s on the basis of an Anglo-German agreement of 1890 and a treaty between Germany and Portugal concluded in 1888. The graves found 20 years earlier had turned out to be the product of atrocities committed by the South African apartheid regime. He invited the Committee to come and look at the evidence on the ground. Following 24 years of war, SWAPO had won a fair election supervised by the United Nations and had set up a national reconciliation process which had included the adoption of an amnesty law covering all combatants. The country had subsequently formed a unified army, a unified police force and a unified prison service, all of which were efficient. Namibia was one of the best-governed countries in Africa.

3. **The Chair** said that the Committee did not seek to question the territorial integrity of any State. It commented only on the implementation of the Covenant.

4. **Ms. Cleveland** said that she had received no reply to her question concerning the regime for the protection of victims of domestic violence. She would be interested to know whether the range of personnel empowered to issue protection orders would be extended; whether such orders could be issued outside the working hours of the courts; whether the process for obtaining an order would be streamlined; and whether access to shelters and protection measures for survivors of domestic violence would be improved.

5. The delegation had said that the Government was considering draft legislation that would enhance the rights of persons with disabilities. She would be grateful for further information on that score. It had also said that lesbian, gay, bisexual and transgender (LGBT) persons were not discriminated against. However, according to civil society sources, LGBT persons were not covered by important legislation such as the Combating of Domestic Violence Act, which did not apply to same-sex partnerships. Moreover, the provision in the Labour Act that had established sexual orientation as a prohibited ground for discrimination had been removed. She also noted that the State party invoked the common-law crime of sodomy as justification for not distributing condoms in prison, although such an approach had serious health implications. There had also been multiple reports of discrimination, harassment and violence against LGBT persons by the police, including cases of so-called "corrective rape", which had gone unpunished. It also appeared that a significant number of racially discriminatory laws adopted during the time of apartheid had not yet been repealed. Although the laws were not used, she would like to know whether the Government intended to abrogate them. She also wished to know whether the Government planned to work with civil society to develop formal guidelines on informed consent for sterilization. She also wished to know whether legislation would be adopted to prohibit demands for the return of a bride price, or *lobola*.

6. With regard to paragraph 15 of the list of issues, she recalled that the Committee had requested, but not received, statistics on child labour from the State party. Did Namibia collect statistics on child labour, forced labour and trafficked persons and, if so, where could such statistics be found? As for the question of whether children between the ages of 16 and 18 could legally do hazardous work, the Committee understood that the Labour Act prohibited night-time work and work done underground or in a mine for that age group, but that the Minister could permit such activities by regulation. She would like to know whether such regulations had been issued and, if so, for what work and involving how many children.

7. The State party had said that labour inspectors could obtain assistance from Agriculture Regional Employers Forums in obtaining access to private farms which had refused them entry. Since the lack of access to farms was a major obstacle to the enforcement of child labour laws, she would like to know how many labour inspections of private farms had been successfully conducted over the past two years, how often access had been denied and how the matter had been resolved in each case. She would like to know whether the Government planned to provide labour inspectors with vehicles. More generally, she would welcome information on the budget of the Labour Inspectorate, the number of labour inspectors, the mechanism for bringing potential labour violations to the Inspectorate's attention, the total number of inspections conducted over the past two years, the number of compliance orders issued and the results of those orders. She wondered whether there were plans to increase the budget of the Inspectorate or the number of inspectors. She would also be interested to learn what mechanisms existed to enforce penalties imposed on employers who did not comply with child labour laws or the minimum wage law. She wished to know how many incidents involving insufficient compensation or unduly long working hours for farmworkers or domestic workers had occurred in the past two years and what action had been taken by the Government. According to the State party report, there had been two cases before the courts in 2015, of which one had resulted in acquittal and the other in a 13-year prison sentence. What facts and legal issues had been involved in those cases?

8. The Committee would like to know what changes were being made in the draft anti-trafficking bill and the anticipated timeline for its enactment. It would also like to know about the work of the interministerial committee on human trafficking that had been established following the release of the United States Department of State 2015 *Trafficking in Persons Report*.

9. She would be interested to learn what proposals the Criminal Justice Forum had put forward for reducing the use of pretrial detention and whether any of the proposed reforms were likely to be enacted. She would like to know what the average length of pretrial detention was and what measures had been taken to reduce its use, whether by increasing access to bail, providing for non-custodial alternatives, such as electronic monitoring, or expediting the pretrial investigation process. The Ombudsman had reported that 87 detainees across the country were awaiting pretrial mental assessments. What steps had been taken to expedite that process? She would welcome data on the number of cases in which the rule that persons should be brought before a judge within 48 hours of their arrest had not been complied with, the associated circumstances and the steps taken to ensure compliance. As for the delay in processing appeals, the Committee would like to know whether any action had been taken in response to the Ombudsman's findings in 2013 concerning delays in the preparation of appeal and review records. She also wished to know whether anyone was currently being held under the Prevention and Combating of Terrorist Activities Act or had been arrested under that law in the past two years, and, if so, under what circumstances.

10. With regard to refugees and asylum seekers, she would welcome confirmation that persecution because of an individual's sexual orientation or gender identity was recognized as grounds for granting asylum and for observance of the principle of non-refoulement under Namibian law. The Committee would like to know how many individuals had sought refugee status on those grounds and how many had been granted protection. She wondered whether the State party had considered developing guidelines on the handling of refugee claims based on sexual orientation or gender identity. The Committee had also received reports that some cases involving unaccompanied children had gone unprocessed for years and that some children had been denied asylum. She would be grateful to know whether the State party planned to incorporate the standard of the best interests of the child into its asylum law and what practical steps had been taken to ensure protection for minors throughout the asylum process.

11. The State party had recently agreed to allow Angolan refugees to remain in Namibia. Following the closure of the country office of the United Nations High Commissioner for Refugees in Namibia, she would be interested to learn whether the State party was considering taking steps to promote the full local integration of refugees by granting them permanent residence permits and eventually closing the Osire refugee camp. Lastly, she wished to know whether the ruling in *Zhu v. Minister of Home Affairs and Another* was systematically complied with.

12. **Sir Nigel Rodley** said that he was concerned about the reconstitution of the Southern African Development Community (SADC) Tribunal, which removed the right of individual petition. The Committee knew from experience that human rights were not well defended by inter-State complaints mechanisms. In that connection, he would also appreciate clarification of the delegation's reference to the exhaustion of domestic remedies.

13. The State party had said that a referendum might be held on the question of whether abortion should be made available on demand or whether the status quo should be retained. Human rights should not, in any case, be the subject of opinion polls, but the distance between those two choices was baffling: the Committee had said nothing about abortion on demand. The problem was that, although the grounds for abortion in the State party were consistent with the Committee's precepts, there were practical obstacles to securing an abortion under the existing law. He was surprised to learn that contraception was available in State health institutions because the Government's change of policy in that regard had not been publicized and civil society was unaware of it. As for harmful cultural practices, the Committee had been informed that the traditional leaders of all four main ethnic groups of the Zambezi Region had reported to the Women's Leadership Centre, which had been commissioned by the Ministry of Gender Equality and Child Welfare to provide training on that subject, that such practices continued to exist. The delegation's earlier response regarding such practices had focused on the avoidance of the risk of unwanted pregnancies, but he wondered what the relationship was between that and harmful cultural practices, unless it was that such practices could lead to unwanted pregnancies, in which case they were all the more reprehensible. He hoped that the *olufuko* festival, which was headed by senior government leaders and was said to promote education on avoiding pregnancy, was not the same as that featured in *Insight Magazine* in 2014, where girls were paraded half-naked before businessmen at an agricultural trade fair. He applauded the legal steps that had been taken to deal with cases of rape and to encourage witnesses to come forward. He would, however, be interested to hear about the implementation of strategies 16 and 17 of the National Plan of Action on Gender-based Violence 2012-2016, which provided for a number of measures dealing with the investigation and prosecution of rape cases.

14. He would welcome clarification as to whether the statistics provided in paragraph 86 of the replies to the list of issues (CCPR/C/NAM/Q/2/Add.1) included pretrial holding cells. He would like to know how many of such cells existed and whether they were overcrowded,

as reported by the Ombudsman in 2006 and 2008, who had attributed the problem in part to delays in the processing of cases and a lack of coordination between the police, prosecutors and magistrates. He would also be interested to know whether visiting justices had exercised their authority to inspect correctional centres and, if so, whether complainants were shielded from reprisals. The State party had not answered the Committee's questions about the mandate of the correctional inspector, how he or she was chosen and whether there were safeguards in place to ensure the inspector's independence.

15. Were there any plans to develop alternatives to custodial sentences and any programmes to educate judges and prosecutors about alternatives to detention? For example, did the Government plan to introduce community service orders as an alternative form of punishment for minor offences? He would be interested to know whether there was a system for monitoring community courts. Under the Community Courts Act, decisions issued by such courts could be appealed against in a magistrate's court, but he had some doubts as to the usefulness of that measure, since most people could not afford the legal assistance that they would need to lodge an appeal with a magistrate's court. According to some sources, given current budgetary restrictions, it was virtually impossible for anyone to obtain legal assistance, except in cases involving the most grievous crimes. He invited the delegation to refute that statement if it was incorrect.

16. He was interested in hearing the delegation's answers to the questions that had been posed concerning the Caprivi treason trial and the "common purpose" doctrine. It was his understanding that all those convicted in the Caprivi treason trial had been found guilty on the basis of that doctrine, which, according to Amnesty International, might have been used to convict prisoners of conscience, i.e. people who had been imprisoned for their non-violent political views.

17. **Ms. Pazartzis** asked whether the interception centres referred to paragraph 185 of the report (CCPR/C/NAM/2) were now operational. She noted that, despite the concerns raised during consultations on part 6 of the Communication Act, it had not been removed from the final bill. She wished to know what kind of information would be sought by such centres and what safeguards were in place to ensure that telecommunications would not be intercepted arbitrarily. Would the State party please explain how such measures would be in compliance with the Covenant and with the Committee's general comment No 16? What remedies would be available to persons claiming that their rights under article 17 of the Covenant had been violated in such a context? Had remedies under article 2 of the Constitution been sought and granted in relation to article 17 of the Covenant?

18. The Research, Science and Technology Act was very broad in scope and required all potential researchers to apply for a permit. Did the Government believe that the law was in compliance with article 19 of the Covenant? She would like to know what kind of information researchers were requested to submit prior to, during and after their research; whether there was a fee attached to the application for a research permit; and what the time limits for its submission were. It would also be useful to know what types of projects had been rejected, whether a researcher whose application had been rejected could apply again, and whether criminal sanctions were imposed in the event of violations. In view of the fact that the constitutionality of that law was being challenged in court, she wished to know whether the Government was considering amending or abolishing it. Did the Government plan to withdraw the ban on political events on campuses of all government institutions of higher learning? Could the delegation comment on reports of the intimidation of journalists by SWAPO members? What efforts had the State party undertaken to ensure freedom of expression and freedom of the press?

19. She took note of the fact that the Child Care and Protection Act had entered into force in 2015, but wished to know whether all its provisions had been finalized. Additional information on the human, technical and financial resources allocated for its

implementation would be welcome. She would like to know whether there had been any cases in which children under 10 years of age had been prosecuted and whether the constitutional protection against detention under the age of 16 was always respected. According to the State party's replies, two sentenced juvenile offenders were currently imprisoned. It would be useful to know how many court cases involving juveniles were pending.

20. **Mr. Seetulsingh** said that the State party had not fully responded to the questions concerning cases of rape, sexual abuse and prostitution of children contained in paragraph 24 of the list of issues (CCPR/C/NAM/Q/2), which had been posed so that the Committee would have an idea of the magnitude of the problem. Given that the Namibian police did not keep records on cases of child prostitution in the country, he wondered whether that problem was being completely ignored. According to some sources, Namibia could be a country of transit for child trafficking. Perhaps social workers employed by the Ministry of Gender Equality and Child Welfare who provided assistance to victims of trafficking could be asked how many of such cases they had come across. He was concerned by the fact that the Child Care and Protection Act did not specifically address the issue of child prostitution. Furthermore, the Prevention of Organized Crime Act made no distinction between trafficking for the purpose of commercial sexual exploitation and trafficking for non-sexual purposes. Did the Government plan to amend that law in order to specifically address the fairly new problem of child prostitution? He would welcome information on the trial concerning the first known sex trafficking case in Namibia, which was discussed in the 2015 *Trafficking in Persons Report* issued by the United States Department of State.

21. According to the State party's report, in order for a person to be allowed to vote, he or she must, *inter alia*, be identified by someone who was already registered. Was that requirement absolute or could exceptions be made in some cases?

22. It would be useful to know how many of the recommendations made by the former Special Rapporteur on the rights of indigenous peoples in the report on his visit to Namibia in September 2007 had been implemented. According to that report, indigenous peoples were not always consulted about activities conducted in areas where they lived. Cases in point included claims by the Nama peoples and by the Himba of the Kunene Region that they had not been informed about mining activities carried out on their traditional lands. There was also strong opposition on the part of the Himba, Ovazemba, Ovavue and Ovatjimba peoples to the proposed construction of the Baynes hydroelectric power project. He would like to know what measures had been taken with regard to those cases and whether consultations with indigenous peoples had been initiated. Was any compensation being provided to indigenous peoples in the form of resettlement assistance or improved living conditions? With reference to paragraph 131 of the replies to the list of issues (CCPR/C/NAM/Q/2/Add.1), he would like to know whether the traditional authorities of the San peoples had the power to administer their communal lands on their own. He wished to know how the interests of indigenous peoples were taken into account in the Government's efforts to improve education. Had the establishment of new schools helped to reduce early drop-out rates among San and Himba children? Had the complaints of the San and Himba peoples regarding improper treatment by health workers been dealt with? It would also be useful to know whether health workers spoke the local indigenous languages and whether there were indigenous language interpreters in courts, tribunals and prosecutors' offices.

23. The Committee had been informed that Namibian NGOs had not been given enough time to provide appropriate inputs for the State party's report. He would like to know whether the Inter-Ministerial Committee on Human Rights and Humanitarian Law would be prepared to give NGOs greater opportunities for contributing to such reports in future.

24. **Mr. de Frouville** said that he would like to draw the attention of the delegation to the Committee's general comment No. 31, in which it recalled that article 2 (3) of the Covenant required that, in addition to effective protection of Covenant rights, States parties must ensure that individuals also had accessible and effective remedies to vindicate those rights. According to paragraph 18 of that general comment, in cases of serious human rights violations such as torture, summary and arbitrary killing and enforced disappearance, the State party concerned must bring the perpetrators to justice. Therefore, in such cases, amnesties were prohibited by the Covenant. Furthermore, in its general comment No. 20, the Committee had stated that amnesties were incompatible with the duty of States to investigate such acts.

25. It was a cause of concern that the defendants in the Caprivi treason trial had remained in pretrial detention throughout the 15 years of the court proceedings and that 10 of the defendants had died in police custody in 2003 and 12 had died while in pretrial detention. At the end of the trial, Judge Hoff, had rightly decided to implement a 2001 Supreme Court ruling according to which evidence obtained under duress, including victims' statements obtained under torture, were deemed inadmissible. Although the judge's decision clearly indicated that some of the evidence presented during the trial had been obtained under torture or duress, no criminal proceedings seemed to have been instituted against the perpetrators. Did the State party intend to bring them to trial? Furthermore, in 2001, a suit had been lodged in connection with the enforced disappearance, within the context of the above-mentioned events, of 15 individuals belonging to the San ethnic group. He would like to know what legal action had been taken in that case.

26. **Mr. Bouzid** said that, aside from commenting on the content and the adoption of the bill on the crime of torture, the State party had failed to respond to the requests for information made in paragraphs 14 and 21 of the list of issues (CCPR/C/NAM/Q/2). In that connection, he wished to know how many adjudicated cases there had been in which minors had been married without the consent of their parents.

27. **Mr. Shany** said that he would like to know whether there had been any progress towards the adoption of a law on freedom of information to replace, *inter alia*, the Protection of Information Act and thereby give full effect to article 21 (1) (a) of the Constitution. He invited the delegation to comment on reports that it was difficult to access public information, particularly on budgetary matters, and that, since 2006, the Government had held few consultations with civil society on a possible new law.

The meeting was suspended at 11.30 a.m. and resumed at 11.50 a.m.

28. **Mr. Kawana** (Namibia) said that his earlier remarks about territorial integrity had not been directed at the Committee, for which the Government had the utmost respect. He had merely wanted to draw attention to the fact that some Namibian NGOs had sent misinformation to the Committee in an effort to secure additional funding. The Government had a constructive relationship with other national NGOs, which were invited to the State House of the Republic of Namibia every year to hold talks with the President.

29. **Sir Nigel Rodley** said that Committee members wanted to hear fact-based answers to the questions that they had asked, rather than speculation about alternative sources of information.

30. **Mr. Kawana** (Namibia), in response to requests for statistics, said that Namibia was a developing country and, as such, had a limited capacity for compiling and disaggregating data. All available information would be submitted to the Committee in writing within 48 hours. The Government had set up the Namibia Statistics Agency to gather official data and was rolling out a system to facilitate access to information on the courts and the cases that they handled.

31. Amendments to the Combating of Domestic Violence Act would be proposed during the course of 2016, and the possibility of extending the authority to issue restraining orders to bodies other than magistrates' courts would be considered as work on those amendments proceeded. The Government had purchased seven women's shelters, some of which were in poor condition and would need to be upgraded. Staff for those shelters would soon be recruited. A bill on persons with disabilities was being drafted. The Committee's recommendations in that regard had been noted and, where possible, would be accommodated. Although same-sex marriages were not legally recognized, Namibia had a tolerant society and measures were being taken to educate the public. The Government was wary of introducing legislative changes too swiftly, since doing so could give rise to organized opposition from religious leaders. As part of the universal periodic review process, Namibia had received recommendations related to the laws on sodomy, racial discrimination and the distribution of condoms in prison, all of which would be discussed by the Cabinet.

32. Protection against child and forced labour was provided for in the Constitution and in the Labour Act of 2007. The Ministry of Labour and Social Welfare had never authorized any derogation from the relevant provisions of the Labour Act, and an entrenched clause had been adopted to prevent the protection afforded by the Constitution from being removed or diminished. Private farm owners who denied labour inspectors access to their property would be committing a criminal offence. Despite having limited resources, the Government was trying to ensure that there was an adequate number of inspectors. A minimum wage had been introduced in the farm sector, and the Government met regularly with farmers' associations and farmworkers' unions to hear their concerns.

33. The anti-trafficking bill mentioned in paragraph 76 of the replies to the list of issues (CCPR/C/NAM/Q/2/Add.1) would be one of the first to be considered in Parliament after the adoption of the national budget later in 2016.

34. Persons who were arrested had the right to be brought before a court of law within 48 hours or as soon as possible thereafter. Nevertheless, the size of the country and the shortage of resources sometimes made it difficult to meet the 48-hour target. The Government was working to reduce the domestic courts' case backlog, including through the establishment of mobile courts that operated even at the weekend. Delays had been caused in part by the need to conduct often lengthy psychiatric assessments to determine whether defendants were fit to stand trial. Pursuant to the Office of the Judiciary Act, which had entered into force on 31 December 2015, the judiciary was fully independent, including with regard to budgetary issues.

35. In reply to a question related to the Immigration Control Act and to the Refugees (Recognition and Control) Act, he could confirm that no distinction was made between other asylum seekers and asylum seekers whose applications were based on persecution relating to their sexual orientation. As for the earlier question regarding sterilization, that procedure could be performed only at the request of patients, who were required to sign a consent form.

36. **Ms. Kandetu** (Namibia) said that the Government was unaware of the presence of any unaccompanied minors among the immigrant population in Namibia. Children whose parents or guardians had been granted asylum were entitled to remain in the country. The case of Tao Hua Zhu, a Chinese national who had become an illegal immigrant following the rejection of his application for renewal of an employment permit, had been dealt with in accordance with the Immigration Control Act.

37. **Mr. Kawana** (Namibia) said that the Ministry of Home Affairs and Immigration had been directed by the Cabinet to grant permanent residence to Angolan former refugees at the Osire refugee settlement. Some of those refugees had also been granted citizenship.

There were no plans to close the settlement because asylum seekers continued to come to Namibia.

38. While it was indeed the case that the right of individuals to have direct access to the Southern African Development Community (SADC) Tribunal had been removed, the matter was a multilateral issue involving all the member States of the Community and thus could not be settled by Namibia alone. Namibia had, however, ratified the new protocol for the Tribunal and had submitted the name of its judicial appointee to the Community's secretariat.

39. The Government would give due consideration to the Committee's recommendations concerning the removal of legal obstacles to the effective implementation of the law on abortion and would seek ways to act upon them, as appropriate.

40. The authorities had taken steps to raise awareness among traditional leaders of the need to change certain cultural practices that were deemed to be harmful. For example, annual meetings were held with the Council of Traditional Leaders as part of the Government's efforts to engage with communities and bring about positive change. Regarding the use of images of semi-naked girls in campaigns to prevent teenage pregnancy, such efforts had proved to be highly successful and had helped to ensure that more adolescent girls remained in education and completed their studies.

41. As to the monitoring of prison conditions, the Ombudsman carried out periodic visits to detention facilities and submitted reports to Parliament. A number of new facilities were being built in order to reduce prison overcrowding, and the establishment of a remand prison for pretrial detainees was also planned.

42. The Government would give due consideration to ratifying the Optional Protocol. Training was provided to officials of traditional and community courts to ensure compliance with human rights standards and national legislation. Legal aid, which was funded from the budget of the Ministry of Justice, was readily available in Namibia. With regard to the Caprivi treason trial, a number of individuals had lodged appeals against their convictions; those appeals were still being considered by the corresponding court. The defendants in the case had been provided with legal aid to allow them to appoint counsel of their choosing. It was important to bear in mind that that case involved an armed attack on the territorial integrity of Namibia. He wished to make clear that the Government absolutely did not condone torture or impunity for such acts; in fact, it was introducing a bill that was fully in line with the Convention against Torture.

43. Under the Communications Act, information could not be intercepted without judicial authorization. In accordance with article 18 of the Constitution, any individual who was aggrieved by the act of a public official had the right to seek redress. There was no censorship of the media in Namibia. He was not aware of any journalist having been intimidated or detained. Since independence, the only conviction handed down against a journalist had been for contempt of court.

44. Under recently introduced legislation, children under the age of 10 years could not be held in detention. The Government had taken action, including criminal prosecutions, to deal with child prostitution, which was prevalent in border areas. It would give consideration to amending the Prevention of Organized Crime Act in order to differentiate between trafficking for commercial sexual exploitation and trafficking for non-sexual purposes.

45. With regard to the exercise of the right to vote, a person was required to identify himself or herself before voting. Persons who were not in possession of an identity document had to be identified by two people who were already registered voters.

46. With respect to the harvesting of natural resources on land occupied by indigenous peoples and others, under the Minerals Act, persons whose interests were adversely affected by the granting of mining licences were entitled to compensation.

47. Interpretation was provided in the courts in order to ensure that defendants were tried in a language that they could understand. The Child Care and Protection Act, which was due to come into force soon, addressed issues of underage marriage. He was not aware of any cases of forced marriage in Namibia. He had taken note of the claims that NGOs had had insufficient time to contribute to the periodic report and would engage with them on that issue in due course.

48. **Ms. Cleveland** said that she wished to know whether religious marriages were considered to be different from customary marriages and whether they also fell within the scope of the bill on the recognition of customary marriages. Were there cases in which victims of forced sterilization had been provided with compensation? The Committee would appreciate information on the location of the seven shelters that were being provided for survivors of domestic violence. Had the State party considered doing away with the requirement for refugees in the Osire camp, including those who had been granted study and employment permits, to obtain permission to leave the settlement?

49. **Mr. Kawana** (Namibia) said that customary marriages and religious marriages differed in a number of respects, including the applicable grounds for divorce and arrangements for the distribution of property. New legislation on customary marriages was being considered as part of the Family Law Project undertaken by the Law Reform and Development Commission with a view to providing enhanced protection for women and children. Faith-based organizations were authorized to perform religious marriages in accordance with their beliefs. The delegation would provide details in writing on the location of the shelters for survivors of domestic violence. Regulations in force at the Osire camp were designed to ensure the protection and safety of the refugees residing there.

50. In conclusion, he wished to draw the Committee's attention to the fact that, over the past 25 years, Namibia had made great strides in economic development, legislative reform and increased access to social services. However, despite that progress, many challenges remained. The Government was therefore working hard to develop new laws, policies and programmes with a view to fully realizing the rights recognized in the Covenant and other human rights treaties. It would continue to work together with all stakeholders at the national and international levels in the pursuit of those objectives.

51. **The Chair** said that, during the dialogue with the State party, it had been very useful for the Committee to hear about laws that had been passed and policies that were being pursued. However, while the State party had adopted a number of important pieces of legislation, much remained to be done to give practical effect to the rights recognized under the Covenant. The questions raised by experts in the course of the dialogue should not have come as a surprise to the delegation because the information on which they had been based was publicly available — much of it in the concluding observations of other United Nations treaty bodies following their dialogues with the State party. Unfortunately, the delegation's rather general replies to those questions would be of limited use to the Committee in the formulation of its concluding observations. Consequently, he hoped that the delegation would be able to provide more detailed responses in writing within 48 hours of the closure of proceedings.

The meeting rose at 1.05 p.m.